

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description and Location

GP03-03-014, Martha Gardens Specific Plan. Proposal to adopt the text and land use amendments to incorporate the major features of the Martha Gardens Specific Plan directly into the General Plan in the form of the Martha Gardens Planned Community (MGPC). The Specific Plan and these General Plan amendments would facilitate:

- The creation of a new neighborhood with a unique arts focus that will include a lively mix of residential, commercial, recreation, education and art uses;
- Safe and pleasant pedestrian environments;
- Parks and community facilities; and
- Preserved historic buildings.

The Martha Gardens Specific Plan area and the proposed Martha Gardens Planned Community consists of about 145 acres and is bounded by Interstate 280 on the north, a line running mid-block between Sixth Street and Seventh to the east, Hollywood Street and Humboldt Street to the south, and First Street to the west. The Plan is projected to allow for:

- Approximately 1,900 residential units (but may result in as few as 1,377 units and as many as 2,672 units),
- Approximately 475,000 square feet of commercial uses (but may result in as few as 240,814 square feet and as many as 708,305 square feet),
- Approximately 250,000 square feet of light industrial uses (but may result in as few as 132,205 square feet and as many as 349,133 square feet),
- Three parks and a community facility (approximately 9 acres),
- Various street and transportation modifications to improve pedestrian, bicycle and vehicle circulation,
- Traffic calming measures to enhance the livability of the public streets and
- The creation of an arts-oriented district (see attached map).

(Various property owners, Owner; City of San Jose_Developer). Council District: 3

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does** contain listed toxic sites.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **October 23, 2003** and to provide an opportunity for

public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 3, 2003** and ends on **October 23, 2003**.

A public hearing on the project described above is tentatively scheduled for Planning Commission Hearing **November 17, 2003 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library located at 150 E. San Fernando Street, the Biblioteca Latinoamericana Branch Library located at 921 S. First Street, and online at <http://www.ci.sj.ca.us/planning/sjplan/eir/MND2003.htm>. Copies of the Mitigated Negative Declaration have been sent to the neighborhood associations in the Martha Gardens and Spartan Keyes areas, and are available upon request from the Department of Planning, Building and Code Enforcement. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Britta Buys or Susan Walsh, Project Managers** at (408) 277-8536.

Stephen M. Haase, AICP, Director
Planning, Building and Code Enforcement

Date: October 3, 2003

Deputy

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Martha Gardens Specific Plan and the Martha Gardens Planned Community (MGPC)

PROJECT FILE NUMBER: GP03-03-014

PROJECT DESCRIPTION: Proposal to adopt: (1) The Martha Gardens Specific Plan, and (2) the text and land use amendments to incorporate the major features of the Martha Gardens Specific Plan directly into the General Plan in the form of the Martha Gardens Planned Community (MGPC). The Specific Plan and these General Plan amendments would facilitate:

- The creation of a new neighborhood with a unique arts focus that will include a lively mix of residential, commercial, recreation, education and art uses;
- Safe and pleasant pedestrian environments;
- Parks and community facilities; and
- Preserved historic buildings.

The Martha Gardens Specific Plan and the proposed Martha Gardens Planned Community consists of about 145 acres and is bounded by Interstate 280 on the north, a line running mid-block between Sixth Street and Seventh to the east, Hollywood Street and Humboldt Street to the south, and First Street to the west. The Plan is projected to allow for:

- Approximately 1,900 residential units (but may result in as few as 1,377 units and as many as 2,672 units),
- Approximately 475,000 square feet of commercial uses (but may result in as few as 240,814 square feet and as many as 708,305 square feet),
- Approximately 250,000 square feet of light industrial uses (but may result in as few as 132,205 square feet and as many as 349,133 square feet),
- Three parks and a community facility (approximately 9 acres),
- Various street and transportation modifications to improve pedestrian, bicycle and vehicle circulation,
- Traffic calming measures to enhance the livability of the public streets and
- The creation of an arts-oriented district (See attached map).

PROJECT LOCATION & ASSESSORS PARCEL NO.: Bounded by Interstate 280 to the north, a line running mid-block between Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the south, and First Street to the west.

COUNCIL DISTRICT: 3

NAME OF APPLICANT: Department of Planning, Building and Code Enforcement (Attn: Britta Buys and/or Susan Walsh)

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: City of San Jose Department of Planning, Building and Code Enforcement (PBCE), 801 North First St. Rm 400, San Jose, CA 95110 (Attn: Britta Buys and /or Susan Walsh)

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

Air Quality:

1. *Air Quality Policy #6* states that the City should continue to enforce its ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in building construction.
2. *Industrial Land Use Policy 1* states that industrial development should incorporate measures to minimize negative impacts on nearby land uses.
3. *Grading.* Any future development under the proposed General Plan designation would be subject to the City's grading ordinance; all earth moving activities would include provisions to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.) All requirements for dust control, which are specified in Land Use Mitigation No.92, below, shall also be required to mitigate air quality impacts.

Biological Resources:

4. *Urban Forest Policy 2* states development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should:

- a) Continue to implement the Heritage Tree program and the Tree Removal Ordinance.
 - b) Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.
5. *Tree Removal Mitigation Guidelines:* Prior to specific project development approvals, each individual site will be evaluated for the presence of ordinance-sized or other mature trees.
- a) Future development projects should include the following measures to minimize impacts from the loss of ordinance-sized trees:
 - b) Ordinance-size trees that as proposed to be removed as part of the project would be replaced with 15-gallon native species at a ratio of four to one (4 replacement: 1 removed).
 - c) To the extent possible, healthy and mature trees shall be incorporated into project landscaping design. Where feasible, ordinance-size trees should be removed, boxed, and replanted on-site as part of the project landscaping.
6. *Urban Forest Policy 3* states the City should encourage the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all reasonable measures, which can effectively preserve the tree, should be pursued.
7. *Urban Forest Policy 5* states that the City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby power lines, and root characteristics.
8. *Urban Forest Policy 6* states that trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
9. *Urban Forest Policy 7* states that, where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.

Cultural Resources:

10. *Historic, Archaeological and Cultural Resources Policy 1* states that because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
11. *Historic, Archaeological and Cultural Resources Policy 3* states that an inventory of historically and/or architecturally significant structures should be maintained and periodically updated in order to promote awareness of these community resources.
12. *Historic, Archaeological and Cultural Resources Policy 4* states that areas with a concentration of historically and/or architecturally significant sites or structures should be considered for preservation through the creation of Historic Preservation Districts.

13. *Historic, Archaeological and Cultural Resources Policy 5* states that new development in proximity to designated historic landmark structures and sites should be designed to be compatible with the character of the designated historic resource.
14. *Historic, Archaeological and Cultural Resources Policy 6* states that the City should foster the rehabilitation of individual buildings and districts of historic significance and should utilize a variety of techniques and measures to serve as incentives toward achieving this end. Approaches which should be considered for implementation of this policy include, among others: Discretionary Alternate Use Policy Number 3, permitting flexibility as to the uses allowed in structures of historic or architectural merit; transfer of development rights from designated historic sites; tax relief for designated landmarks and/or districts; alternative building code provisions for the reuse of historic structures; and such financial incentives as grants, loans and/or loan guarantees to assist rehabilitation efforts.
15. *Historic, Archaeological and Cultural Resources Policy 7* states that structures of historic, cultural or architectural merit which are proposed for demolition because of public improvement projects should be considered for relocation as a means of preservation. Relocation within the same neighborhood, to another compatible neighborhood or to the San José Historical Museum should be encouraged.
16. *Historic, Archaeological and Cultural Resources Policy 9* recognizing that Native American burials may be encountered at unexpected locations, states that the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

Proposed Martha Gardens Specific Plan Design Policies:

17. *Policy 2.1: Victorian Era Homes.* The Victorian-era homes along Second and Third Streets should be preserved and enhanced. The Specific Plan calls for the preservation of the Victorian homes within the neighborhood; any modifications to the homes should maintain key character-defining exterior elements as described in the design guidelines.
18. *Policy 2.2: Adaptive Reuse of Historic Homes.* Adaptive reuse of the historic homes is encouraged. To encourage the viable restoration and adaptive reuse of the historic homes, provision is made in the Specific Plan to allow for a variety of uses, including multi-family housing, small-scale commercial and professional offices and other compatible uses that do not compromise the historic integrity of the structures.
19. *Policy 2.3: Carriage Houses.* Adaptive use and sensitive redevelopment of existing carriage houses is encouraged. The existing carriage houses along the rear alleys reinforce the traditional and historic character of the Victorian neighborhood. The Plan calls for these carriage houses to be preserved and adaptively used, wherever possible. If the existing condition does not warrant reuse, redevelopment in a manner that maintains a similar scale and character is encouraged. The security of small residential units built

above garages facing onto the mews will promote security in the mews, and will enhance the grain and character of the neighborhood.

20. *Policy 2.4: New Residential Infill Uses.* New residential infill development that complements and extends the fine-grained pattern and character of Victorian homes is encouraged. Residential infill development of underutilized or vacant sites is encouraged. New construction should be built with a compatible scale, setback and footprint as the existing historic homes in the sub-area, and with a similar palette of materials and a complementary level of detailing. While the Plan does not require new buildings to exactly replicate the historic treatment of Victorian homes, it should incorporate compatible materials, reflect a similar attention to detail, and provide a similar orientation and relationship to the street. Front entries for new development should be oriented towards the street where possible, and the entrances of new buildings should adopt the character of the Victorian homes by providing a transition between the street and the front door of the building in the form of a porch or front stoop.
21. *Policy 3.1 Adaptive Reuse of Existing Warehouse Structures:* Adaptive reuse of existing warehouse structures for arts- related uses is encouraged. As industrial and distribution uses relocate over time to other parts of the City, historic warehouse structures in the sub-area should be maintained and adaptively reused. Arts-oriented and cultural uses are particularly encouraged, including artist studios, loft housing, galleries, workshops, classrooms, neighborhood serving retail and small commercial offices for the creative industries.
22. *Policy 3.3: Adaptive Reuse of the American Can Warehouse.* Adaptive reuse of the American Can Warehouse along Fifth Street is encouraged. The Specific Plan encourages the reuse of the historic timber American Can warehouse building located between the abandoned Union Pacific rail right-of-way and Fifth Streets for uses that make a positive contribution to the neighborhood. Such uses could include loft housing, arts-related workshops and studios, and neighborhood-serving commercial uses
23. *Policy 4.1: Existing Single Family Residential.* Existing enclaves of single-family residential should be preserved and enhanced. No increase in intensity or height is proposed for the existing residential enclaves within the sub-area, including the eastern side of Sixth Street (between Bestor and Virginia Streets), and along the eastern side of Fifth Street north of Virginia Street. Existing homes along these frontages should be preserved and rehabilitated wherever possible and new compatible infill development is encouraged in this area.
24. *Policy 4.5 American Can Warehouse.* Adaptive reuse of the American Can Warehouse along Fifth Street is encouraged. The Specific Plan encourages the reuse of the historic timber American Can warehouse building located between the abandoned Union Pacific rail right-of-way and Fifth Streets for uses that make a positive contribution to the neighborhood. Such uses could include loft housing, arts-related workshops and studios, and neighborhood-serving commercial uses.
25. *Policy 5.3: Herbert Packing Warehouse.* The adaptive reuse of the Herbert Packing warehouse for neighborhood-oriented uses. As part of the creation of a neighborhood-

serving retail corridor along Keyes Street, the specific plan encourages the adaptive reuse of the historic Herbert Packing warehouse, located at the corner of Keyes and Third Streets, for neighborhood serving uses. For instance, the reuse of this building could include a local serving grocery market with parking accommodated at the rear of the building.

26. The following measures should be required at the time of future development:

a. Any projects (e.g. office towers, underground parking structures, multi-residential units, demolition of buildings/structures, municipal infrastructure replacement and improvement projects with substantial trenching, etc.) which could include substantial ground disturbance two feet below the present level, could be required to complete an Archaeological Assessment Report in accordance with current City policies. Sufficient research (e.g., review of historic maps, building permits, etc.) should be included in the report to determine the effect of the project on subsurface archaeological deposits. Mitigation recommendations to reduce effects to a less than significant level should also be included.

27. Standard Conditions for Excavation Activities. In the event that human remains and/or cultural materials are found, all project related construction shall cease within a 50-foot radius of the field in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

- a) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- b) A final report shall be submitted to the Director of Planning and the Director of Public Works. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning.

28 Historic Assessment Report. The following methods for addressing the assessment and future protection of architectural resources in the Martha Garden Specific Plan should be applied:

- a) The completion of a report including additional historical research, the completion or updating of any required state and City forms and the formal evaluation of the building/structures identified in Table 2 and 3 could be required of any proposed development or redevelopment on the identified properties. Appropriate mitigation measures should be developed in order to mitigate impacts to historic resources to a less than significant level.
 - b) Mitigation for significant buildings/structures could include their retention and rehabilitation in accordance with the *Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings*.
29. The following mitigation should be required at the time of future development and should help preserve information pertaining to the historic resources of the MGSP area:
- a) The building should be documented (including setting) according to the Outline Format in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data* and the *Photographic Specifications – Historic American Building Survey*. A copy of the documentation, with original photo negatives, should be placed in an historical archive or history collection accessible to the general public with an additional four copies distributed to other local and regional depositories.
 - b) Typical architectural features should be salvaged from the affected building(s) to facilitate reuse of the building materials.
 - c) Historic names should be incorporated into any new buildings.
 - d) A public exhibit/education program should be developed to present the interpretive information with a focus on the MGSP area and topics of interest to this area.

Soils and Geology:

30. *Soils and Geologic Conditions Policy 1* states that the City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.
31. *Soils and Geologic Conditions Policy 6* states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
32. *Soils and Geologic Conditions Policy 8* states that development proposed within areas of potential geological hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.
33. *Earthquake Policy 1* states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

34. *Earthquake Policy 5* states that the City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.
35. *Geologic and Seismic.* All future buildings located in the MGSP area should be engineered and constructed in accordance with current Uniform Building Code and seismic design criteria for Seismic Zone 4.
36. *Site Specific Soils and Geologic Investigations.* At the time of future development detailed site-specific soils and geologic investigations shall be required prior to design and construction of all future new structures with the MGSP area.

Hazards and Hazardous Materials

37. *Hazardous Materials Policy 1* states that the City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substance, especially at the time of disposal.
38. *Hazardous Materials Policy 2* states that the City should support State and Federal legislation, which strengthens safety requirements for the transportation of hazardous materials.
39. *Hazardous Materials Policy 3* states that the City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.
40. *Hazardous Waste Management Policy 9* states that proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent materials from combining to form hazardous substances and wastes.
41. *Hazards Policy 1* states that development should only be permitted in those areas where potential danger to health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
42. *Water Resources Policy 7* states that the City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater, and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or saltwater flooding.

43. *Water Resources Policy 8* states that the City should establish non-point source pollution control measures and programs to adequately control the discharge of pollutants into the City's storm sewers.
44. *Residential Land Use Policy 5* states residential development should be allowed in areas with identified hazards to human habitation only if these hazards are adequately mitigated.
45. *The following mitigation measures for Hazards and Hazardous Materials should be required at the time of future development: AB3205.* Businesses, which use extremely hazardous materials, shall submit a Risk Management and Prevention Plan to the administering agency upon request. The Santa Clara County Department of Health Services, Toxic Substance Control Division is the administering agency for the local implementation of AB3205. The required plans identify specific risks associated with the use and storage of extremely hazardous materials at specific locations, along with potential target populations, which may be at risk.
46. *Emergency Response Plans.* AB2185 and AB3777 contain requirements for emergency response plans. The purpose of these plans is to assist local agencies in preparing for a hazardous materials spill. Emergency plans identify the potential for accidents in a community, define a chain of command in the event of emergency, outline escape routes if necessary, and provide other emergency procedures. Each responsible agency maintains detailed operation procedures for responses to hazardous materials problems.
47. *Toxic Gas Ordinance, Chapter 17.78, San José Municipal Code* provides a uniform, countywide program for the prevention, control and mitigation of dangerous conditions, to provide for building standards and for emergency response to protect the public from acute exposure due to accidental releases of toxic gases.
48. *Demolition Activities.* All demolition activities shall be undertaken according to OSHA, and EPA standards to protect workers, and off-site occupants from exposure to asbestos and lead based paint. Specific measures include air monitoring during demolition/construction activities, which include existing buildings.
49. *Building materials classified as hazardous materials.* Building materials classified as hazardous materials should be disposed of in conformance with Federal, State, and Local laws.
50. *Toxic Gas Ordinance, Chapter 17.78, San José Municipal Code* to provide a uniform, countywide program for the prevention, control and mitigation of dangerous conditions, provide for building standards and for emergency response to protect the public from acute exposure due to accidental releases of toxic gases.
51. *OSHA and EPA Requirements.* All demolition activities shall be undertaken according to OSHA, and EPA standards to protect workers, and off-site occupants from exposure to asbestos and lead based paint. Specific measures include air monitoring during demolition/construction activities, which include existing buildings.

52. *Cleanup and remediation of the site.* Cleanup and remediation of the site shall be required to meet all Federal, State and Local regulations. All storage tanks shall be properly closed and removed according to the City of San José Fire Department standards prior to development.

Proposed Martha Garden Specific Plan Policies:

53. *Policy 4.3 Setbacks and Buffer Treatment:* Appropriate setbacks and buffer treatments shall be established between new residential development and industrial uses that choose to remain within the area. The Plan recognizes that existing industrial and distribution uses may remain within the Martha Park sub-area, and that potential land use conflicts could occur between these uses and newly developing residential uses. To avoid such conflicts, the Plan calls for new development that occurs adjacent to existing industrial or general commercial uses to incorporate appropriate buffer treatments, including building setbacks, screen walls and roadways, that provide separate on-site access and circulation. In addition, new development should be designed to mitigate noise conditions in compliance with the City of San José General Plan noise compatibility goals.

The following mitigation measures shall be considered at the time of future development:

54. *Phase I environmental site assessments* shall be prepared. Based on the conclusions and recommendations presented in the Phase I, Phase II sampling and analysis of soil and groundwater would likely be required at sites where hazardous materials were used, stored, or handled to evaluate potential contamination incidents and their impact on the proposed development plans.
55. *Cal/OSHA Lead in Construction Requirements* outlined in Construction Standard, Title 8, CCR 1532.1 shall be followed during demolition if lead-based paint is detected.
56. *Asbestos Surveys.* Asbestos surveys shall be conducted for buildings constructed prior to 1980 as required under NESHAP guidelines. All potentially friable asbestos containing materials shall be removed prior to building demolition or remodeling. (Per NESHAP guidelines)
57. *Lead Surveys.* As appropriate, a lead survey of painted surfaces and soil around buildings built prior to 1978 will be performed prior to demolition, rehabilitation, or remodeling. Requirements in the California Code of Regulation will be followed during demolition or construction activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Hydrology and Water Quality

58. *Water Resources Policy 7* states that the City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater, and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or saltwater flooding.

59. *Water Resources Policy 8* encourages the City to establish non-point source pollution control measures and programs to adequately control the discharge of pollutants into the city's storm sewers.

60. *Water Resources Policy 9* encourages the city to take a pro-active role in the implementation of the Santa Clara Valley Non-point Source Pollution Control Program, as well as implementation of the City's local non-point source control and stormwater management program.

61. *Storm Drainage and Flood Control Level of Service Policy 12* encourages new development to be designed to minimize water runoff.

62. *Bay and Baylands Policy 5* states the City should continue to participate in the Santa Clara Valley Non-Point Source Pollution Control Program and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System Permits and other measures.

The following mitigation measures should be incorporated into individual development projects during project level review to reduce impacts to a less than significant level:

63. 54. *Construction Measures:* The State General Construction Activities Permit and the City of San Jose Title 20 have specific requirements for storm water management for projects that disturb one (1) acre or more. All development projects with an approved Development Permit that result in a land disturbance of one (1) acre or more are required, prior to the commencement of any clearing, grading, or excavation, to comply with the State General Construction Activities Permit and the City of San José National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit as follows:

- a) The applicant shall develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.
- b) The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

64. *Erosion Control Plan.* Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include BMPs as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.

65. *Notice of Intent.* Prior to the issuance of a grading permit, the applicant is required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works.

66. *SWPPP.* The applicant is required to maintain a copy of the most current SWPPP on site and to provide a copy to any City representative or inspector on demand.

67. *Best Management Practices.* The applicant is required to implement and maintain all best management practices (BMPs) or control measures identified in the SWPPP and/ or Erosion Control Plan.

68. *Post-Construction Measures:* Development projects will be required to comply with the City of San Jose's NPDES MS4 Permit. Required development and use permits issued by the City of San Jose will include measures to control pollutants discharged to the stormwater system. Future activities that require a development or use permit will need to be evaluated for appropriate site design, source control, and treatment "best management practices." Examples include, but are not limited to the following:

- Minimization of impervious surfaces;
- Beneficial landscaping including the preservation and planting of appropriate trees and native vegetation;
- Storm water retention or detention structures;
- The use of swales, permeable paving, oil/water separators, and other treatment measures;
- Sweeping of streets and on site parking lots;
- Routine storm drain cleaning; and stenciling of storm drain inlets;
- Covering of dumpsters, materials handling areas, and other source control measures.

To mitigate water quality impacts created by individual development proposals, post-construction measures would be incorporated into the individual development project's approved plans, permit conditions, and SWPPPs to the maximum extent practicable.

In situations where post-construction runoff treatment measures involving infiltration are not feasible, other treatment measures may be proposed, or the City may approve alternative measures to mitigate potential water quality impacts to a less than significant level.

Land Use

69. *Residential Land Use Policy #9* states when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

70. *Industrial Land Use Policy #1* states that industrial development should incorporate measures to minimize negative impacts on nearby land uses.

71. *Noise Policy #1* states that the City's acceptable noise levels are 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport will probably not be achieved in the time frame of the General Plan. To achieve the noise objectives, the City should require appropriate site and

building design, building construction, and noise attenuation techniques in new development.

72. *Noise Policy #9* states that construction operations should use noise suppression devices and techniques.
73. *Noise Policy #12* states that noise studies should be required for land use proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.
74. *Urban Design Policy #1* states that the City should continue to apply strong architectural and site design controls on all types of development to ensure the proper transition between areas with different types of land uses.
75. *Urban Design Policy #22* states that design guidelines adopted by the City Council should be followed in the design of development projects.
76. *Services and Facilities Transportation Policy 30* states through truck traffic should be encouraged to utilize State freeways, County expressways, and six-lane arterial streets. Trucks should be encouraged to use those routes which have the least adverse impact on residential areas.
77. *Services and Facilities Transportation Policy 31* states industrial and commercial development should be planned so that truck access through residential area is avoided. Truck travel on neighborhood streets should be minimized.
78. *Services and Facilities Transportation Policy 32* states freight loading and unloading for new or rehabilitated industrial and commercial developments should be designed.
79. *Design Guidelines*. The City of San José has adopted Residential Design Guidelines that are applicable to all attached residential development in San José. As stated in *Urban Design Policy #22*, adherence to these policies is encouraged by the General Plan. The following specific policies in the *Residential Design Guidelines* will reduce or avoid land use conflicts between new high density and very high density residential development and nearby land uses.
80. *Residential Design Guidelines. Chapter 5- Perimeter Setbacks*: Residential structures of two stories or more are to be set back a minimum of 10 feet from incompatible uses. Residential structures of three stories or more are to be set back a minimum of 15 feet from incompatible uses. Balconies and decks are to be separated by a minimum of 20 feet from other balconies or decks.
81. *Residential Design Guidelines. Chapter 14- Solar Access*: New buildings should not be located in positions that will result in substantial shading of existing adjacent private open spaces that presently have substantial sun exposure enjoyed by the occupants.
82. *Noise, Cultural Resources, and Hazardous Materials*. The mitigation measures for noise, and hazardous materials impacts identified in this Negative Declaration shall be applied

to further reduce potential land use impacts to a less than significant level. (See *Cultural Resources, Hazardous Materials, and Noise mitigation measures herein*).

83. *Industrial Design Guidelines.* The City of San José's *Industrial Design Guidelines*, which restrict building height, window orientation, setbacks, landscaping, walls and other buffering will be applied to the development of the proposed project under the *Combined Commercial/Industrial* designation, during project-level review.

The following proposed Martha Gardens Specific Plan Design Policies should be required at the time of future development:

84. *Policy 3.6: Infill Development.* Infill development that maintains the scale and character of existing buildings is encouraged. Much of the Arts Quarter sub-area contains industrial and warehouse structures that have architectural and historic value. Infill development on vacant and underutilized sites is encouraged in the sub-area, but such development should be built in scale and character with existing structures respecting the height, bulk and materials, of these buildings.
85. *Policy 3.8: On Street Loading.* On-street loading should be phased out along public streets and sidewalks. The Arts Quarter sub-area is currently impacted by truck loading for distribution facilities and warehouses. This activity, which typically occurs within the street right-of-way and across the sidewalk, restricts the flow of vehicular and pedestrian movement creating traffic and safety issues. On-street loading should be removed wherever possible and relocated internal to warehouse operations to avoid the obstruction of pedestrian and vehicular traffic. As set forth in the design guidelines, loading docks in historic buildings should be preserved and restored as part of the adaptive reuse program.
86. *Policy 4.3: Setbacks and Buffers.* Appropriate setbacks and buffer treatments should be established between new residential development and industrial uses that choose to remain within the area. The Plan recognizes that existing industrial and distribution uses may remain within the Martha Park sub-area, and that potential land use conflicts could occur between these uses and newly developing residential uses. To avoid such conflicts, the Plan calls for new development that occurs adjacent to existing industrial or general commercial uses to incorporate appropriate buffer treatments, including building setbacks, screen walls and roadways, that provide separate on-site access and circulation. In addition, new development should be designed to mitigate noise conditions in compliance with the City of San José General Plan noise compatibility goals.
87. *Policy 5.3: Adaptive Reuse of Herbert Packing Warehouse.* The adaptive reuse of the Herbert Packing warehouse for neighborhood-oriented uses. As part of the creation of a neighborhood-serving retail corridor along Keyes Street, the specific plan encourages the adaptive reuse of the historic Herbert Packing warehouse, located at the corner of Keyes and Third Streets, for neighborhood serving uses. For instance, the reuse of this building could include a local serving grocery market with parking accommodated at the rear of the building.
88. *Policy 5.4: Character and Scale of New Development.* New development should be complementary in scale and character to adjacent single-family homes in the Spartan Keyes neighborhood. New development in the Keyes/Hollywood sub-area should make

a positive contribution to the character and scale of the neighborhood, and offer an appropriate scale transition from the single-family homes of the adjacent Hollywood and Spartan Keyes neighborhood. Large, monolithic buildings should be avoided, with building elevations broken down through creative use of horizontal and vertical expression. Changes in elevation profile and height, the use of balconies, bay windows, loggias, and clearly expressed windows and entryways should be combined to promote interest and scale in building elevations. Where multi-family residential development is located across street frontages from existing single-family homes, special treatments should be incorporated to address these issues.

89. *Policy 5.7: Access/ Circulation.* Local vehicular and pedestrian access should be improved, while reducing through traffic in the neighborhood. The street configuration in the Keyes/Hollywood area should be modified to alleviate problems of cut-through traffic on residential streets, and to improve local vehicular and pedestrian linkages to the remainder of the East Gardner area and to the adjacent Spartan Keyes neighborhood. As set forth in the Circulation Element, the conversion of the one-way street system and the introduction of well-designed traffic calming devices should be incorporated to address these issues.
90. *Construction Impact Mitigation Measures.* The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical conditions to minimize noise created by faulty or poorly maintained engine, drive-train and other components. The project developer shall ensure that the following construction impact mitigation measures are implemented throughout the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions by the applicant, their contractors or subcontractors shall be cause for shutdown of the project site until the City can ensure compliance with the following conditions.
91. *Construction Hours.* Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for any on-site or off-site construction activities located within 500 feet of any residential unit.
92. *Construction Deliveries.* Deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.
93. *Construction Employees.* Workers shall not arrive to the site until the opening of the project gates. The project developer shall designate a location without adjacent residential units for workers to wait prior to the opening of the project gates.
94. *Plans.* The construction hours shall be printed on all plans for the project used to construct the project.
95. *Mitigation Measure Disclosure.* These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and

subcontractors. In addition, the project developer is responsible to ensure the following occur prior to the issuance of a Building Permit for the project:

96. *Disturbance Coordinator.* A disturbance coordinator shall be identified by the developer for this project. The disturbance coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance conditions in this permit.
97. *Daily Log.* The disturbance coordinator shall maintain a log of daily activities on the project, including but not limited to, verification of site closure activities, project cleanliness, complaints on site activities and conditions and dates and times of the coordinators visits to the project if the coordinator is not solely responsible for this project site.
98. *Telephone Contact.* A phone with answering machine for non-work hours shall be maintained during the duration of project construction. The phone number should be a local call for surrounding residents.
99. *Signage.* The name and phone number of the disturbance coordinator, the hours of construction limitations, city contact and phone number (department and phone number), and shall be displayed on a weatherproof sign posted at each entrance to the project site.
100. *Neighborhood Notification.* Prior to the commencement of grading or construction, the applicant shall provide written notice to all residents of properties within 1,000 feet of the project site of the anticipated construction schedule and the permitted construction hours. This notice shall also include the name of the Construction Coordinator and a telephone contact number of this Permit. The project developer shall provide additional written notification to residents of property within 1,000 feet of the project site to identify any significant changes in the construction schedule or any changes to the Disturbance Coordinator or telephone contact number.
101. *Dust Control/Air Quality.* The project shall incorporate City of San José practices to mitigate dust during all phases of construction. These practices meet or exceed the Bay Area Air Quality Management District's (BAAQMD) feasible construction dust control measures to reduce construction impacts to a level that is less-than-significant. The following construction practices will be implemented during all phases of construction on the project site.
 - a) Use dust-proof chutes for loading construction debris onto trucks.
 - b) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - c) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - d) Sweep daily or as often as necessary to keep the adjoining streets, paved access roads, parking areas and staging areas at construction site free of dust and debris.

- e) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- f) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- g) Replant vegetation in disturbed areas as quickly as possible

102. Street Cleaning and Dust Control. During construction, the developer shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.

Noise

103. Noise Policy #1 states that the City's acceptable noise levels are 45 DNL as the interior noise quality level, 55 DNL as the long range exterior objective, and 60 DNL as the short range exterior noise level objective. To achieve the noise objectives, the City should require appropriate site and building design, building construction, and noise attenuation techniques in new development.

104. Noise Policy #11 states that when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line.

105. Noise Policy #12 states that noise studies should be required for individual land use development proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

106. Urban Design Policy #18 states that to the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback and building design rather than the use of sound attenuation walls.

- a. For example: by utilizing site planning to minimize noise impacts to outdoor activity areas, consider locating non-noise sensitive uses, such as parking (e.g., carports), adjacent to roadways and rail lines, and using the residential buildings to provide shielding for common outdoor use areas. Where noise sensitive uses are planned immediately adjacent to noise sources, building insulation methods should be incorporated into the project.

All new residential development will be subject to existing laws, including the following State Law:

107. Title 24: Multi-family housing proposed on any site is subject to the requirements of Title 24, Part 2, of the State Building Code. Since noise levels exceed 60 dB DNL on the site, an analysis detailing the treatments incorporated into the building plans will need to

be prepared and submitted to the City Building Department prior to issuance of a building permit. A noise control detail and the accompanying report will need to demonstrate that the design would achieve an interior DNL of 45 dBA or less in all habitable residential areas.

108. Noise Policy #9 states that construction operations should use available noise suppression devices and techniques.

109. Construction Mitigation measures. See Land Use Section for additional noise mitigation.

*The following mitigation shall be considered at the time of future development.
Construction Impact Mitigation Measures.*

110. The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical conditions to minimize noise created by faulty or poorly maintained engine, drive-train and other components. The project developer shall ensure that the following construction impact mitigation measures are implemented throughout the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions by the applicant, their contractors or subcontractors shall be cause for shutdown of the project site until compliance with the following conditions can be ensured by the City.

- a) *Construction Hours.* Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for any on-site or off-site construction activities located within 500 feet of any residential unit.
- b) *Construction Deliveries.* Deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.
- c) *Construction Employees.* Workers shall not arrive to the site until the opening of the project gates. The project developer shall designate a location without adjacent residential units for workers to wait prior to the opening of the project gates.
- d) *Plans.* The construction hours shall be printed on all plans for the project used to construct the project.
- e) *Mitigation Measure Disclosure.* These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors. In addition, the project developer is responsible to ensure the following occur prior to the issuance of a Building Permit for the project:
 - i. *Disturbance Coordinator.* A disturbance coordinator shall be identified by the developer for this project. The disturbance coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance conditions in this permit.

- ii. *Daily Log.* The disturbance coordinator shall maintain a log of daily activities on the project, including but not limited to, verification of site closure activities, project cleanliness, complaints on site activities and conditions and dates and times of the coordinators visits to the project if the coordinator is not solely responsible for this project site.
- iii. *Telephone Contact.* A phone with answering machine for non-work hours shall be maintained during the duration of project construction. The phone number should be a local call for surrounding residents.
- iv. *Signage.* The name and phone number of the disturbance coordinator, the hours of construction limitations, city contact and phone number (department and phone number), and shall be displayed on a weatherproof sign posted at each entrance to the project site.
- v. *Neighborhood Notification.* Prior to the commencement of grading or construction, the applicant shall provide written notice to all residents of properties within 1,000 feet of the project site of the anticipated construction schedule and the permitted construction hours. This notice shall also include the name of the Construction Coordinator and a telephone contact number. The project developer shall provide additional written notification to residents of property within 1,000 feet of the project site to identify any significant changes in the construction schedule or any changes to the Disturbance Coordinator or telephone contact number.

111. Construction Trucks. A condition shall be added to the conditions of approval for new development projects in the MGSP area which requires that developers direct all construction trucks to use major arterials streets and not to use residential neighborhood streets.

Recreation

Mitigation measure to be considered at the time of future Development

112. New development projects should be required to meet the requirements of the San Jose City Park Dedication Ordinance (PDO).

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 3, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The

written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: _____

Deputy

Adopted on: _____

Deputy

NOTICE OF PUBLIC HEARINGS
Martha Gardens Specific Plan and Related Amendments to the
San Jose 2020 General Plan

Fall 2003 Hearings on General Plan Amendments

Planning Commission: Monday, November 17, 2003, 6:00 p.m.

City Council: Tuesday, December 16, 2003, 7:00 p.m.

City of San Jose, City Hall

801 North First Street, City Council Chambers, 2nd Floor

Proposal to adopt: (1)The Martha Gardens Specific Plan, and (2) the text and land use amendments to incorporate the major features of the Martha Gardens Specific Plan directly into the General Plan in the form of the Martha Gardens Planned Community (MGPC). The Specific Plan and these General Plan amendments would facilitate:

- *The creation of a new neighborhood with a unique arts focus that will include a lively mix of residential, commercial, recreation, education and art uses;*
- *Safe and pleasant pedestrian environments;*
- *Parks and community facilities; and*
- *Preserved historic buildings.*

The Martha Gardens Specific Plan and the proposed Martha Gardens Planned Community consists of about 145 acres and is bounded by Interstate 280 on the north, a line running mid-block between Sixth Street and Seventh to the east, Hollywood Street and Humboldt Street to the south, and First Street to the west. The Plan is projected to allow for:

- *Approximately 1,900 residential units (but may result in as few as 1,377 units and as many as 2,672 units),*
- *Approximately 475,000 square feet of commercial uses (but may result in as few as 240,814 square feet and as many as 708,305 square feet),*
- *Approximately 250,000 square feet of light industrial uses (but may result in as few as 132,205 square feet and as many as 349,133 square feet),*
- *Three parks and a community facility (approximately 9 acres),*
- *Various street and transportation modifications to improve pedestrian, bicycle and vehicle circulation,*
- *Traffic calming measures to enhance the livability of the public streets and*
- *The creation of an arts-oriented district (see attached map).*

You are invited to participate in the above public hearings. The Planning Commission will make a recommendation to the City Council regarding the proposed amendment. The City Council will make the final decision on the proposed Specific Plan and General Plan amendments. Please note that the *San Jose 2020 General Plan* reflects the long-range future growth for the City. A change in the General Plan land use designations would only affect the type and intensity of future development allowed in the subject area. The proposed amendment to the General Plan for the above referenced area would not change the zoning designations of the properties. Zoning changes occur through the rezoning process, which is separate from the General Plan amendment process.

Detailed Description:

The General Plan Amendment (**File No. GP03-03-14**) being considered is a request to change the Land Use/Transportation Diagram designation from Residential Support for the Core (25+DU/AC), Medium Low Density Residential (8 DU/AC), Medium Density Residential (8-16 DU/AC), Medium High Density Residential (12-25 DU/AC), General Commercial, and Light Industrial to Preservation/Single Family (8 DU/AC), Preservation/Single Family/Duplex (8-16 DU/AC), Preservation/Victorian Mixed Use (0-20 DU/AC), High Density Residential (20-50 DU/AC), High Density Residential (40-70 DU/AC), Arts/Related Mixed Use, Commercial/Mixed Use, Commercial/Light Industrial, Public Parks and Community Facilities, Pedestrian Way, Pedestrian Emphasis Public Street, Pedestrian Corridor, Adaptive Reuse, Health Clinic, and Potential Elementary School, and Pedestrian Way. (Various, Owners/City of San Jose, Applicant). Council District: 3.

Comments and questions regarding this proposal or the General Plan amendment process are welcome, and should be referred to the Project Manager, **Mike Brilliot**, at **(408) 277-8574** or **Susan Walsh**, at **(408) 277-8536**.

Documents for this project are on file and available for review (MWF: 9 a.m. to 5 p.m.; TTh: 10 a.m. to 5 p.m.) at: **Planning, Building and Code Enforcement, 801 North First Street, Room 400, San Jose, CA 95110, or call (408) 277-4576**. Reports and documents will also available on-line at: www.ci.san-jose.ca.us/planning/sjplan/ one week prior to the scheduled hearing.

Stephen M Haase, AICP, Director
Planning, Building and Code Enforcement

Laurel Prevetti, Deputy Director

Date: _____

To arrange an accommodation under the Americans with Disabilities Act to participate in these public hearings, please call (408) 998-5299 (TTY) at least 48 hours before the hearing. This document can be made available upon request in alternative formats such as Braille, large print, audio tape or computer disk. Requests can be made by calling (408) 277-4000 (Voice) or (408) 998-5299 (TTY).

If you choose to challenge this land use decision in court, you may be limited to only those issues that you or someone else raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing. Reports including the staff report and recommendation are available a week before the public hearing). Additionally, a public packet will be available for review at the hearing.